THE BOMBAY CITY LAND-REVENUE ACT, 1876.

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BOMBAY ACT No. II OF 1876.[1]

[THE BOMBAY CITY LAND-REVENUE ACT, 1876]

[*26th October 1876*]

Repealed in part, by Bom. 3 of 1886 ;
" " " " Act 38 of 1920 ;
Amended by Act 16 of 1895 ;
" " Bom. 3 of 1900 ;
" " " 1 of 1910 ;
" " " 4 of 1915 ;
" " " 2 of 1919 ;
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 49 of 1947 ;
" " " 9 of 1949 ;
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 11 of 1952.
" " " 3 of 1954.
" " " 27 of 1954.
" " " 47 of 1954.

An Act to amend the Law relating to the Land-Revenue Administration of the City of Bombay.

WHEREAS it is expedient to amend the law relating o the assessment and collection of the land-revenue, to provide against encroachments upon public property, to ensure the preservation of survey-boundary-marks, and otherwise to improve the existing land-revenue administration in the City of Bombay ; It is enacted as follows :— Preamble.

PART I.

PRELIMINARY.

1. This Act may be cited as " The Bombay City Land-Revenue Act, 1876 ". Short title.

It extends only to the City of Bombay. Extent.

2. So much of Regulation XIX of 1827 as has not been already repealed is hereby repealed. Regulation XIX of 1827 repealed.

All references made in any Act or Regulation to any part of the said Regulation XIX of 1827 hereby repealed shall be read as if made to the corresponding portion of this Act.

And all rules prescribed, appointments made, powers conferred, orders issued, and notifications published under the said Regulat on, and all other rules (if any) now in force and relating to any of the matters hereinafter dealt with, shall (so far as they are consistent witn this Act) be deemed to have been respectively prescribed, made, conferred, issued and published hereunder.

And all proc edings now pending which have been commenced under any part of the said Regulation XIX of 1827 hereby repealed shall be deemed to have been commenced under this Act, and shall hereafter be conducted in accordance with the provisions of this Act.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1875, Pt. V, p. 89 ; *ibid.*, 1876, p. 201 ; for Report of the Select Committee, *see ibid*, 1875, p. 132 and for Proceedings in Council, *see ibid*, 1875. p. 103, and *ibid*, 1876, pp. 144, 163, 185 and 211.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context—

[1][(*1*) "Collector" or "Collector of Bombay" means the Collector of Land-revenue, Customs and Opium, Bombay, or such officer as [2][the [3][State] Government conformably to law may appoint in this behalf [4][and, except in section 4, includes any Additional Collector] ;]

(*2*) the words "land-revenue" signify any sum of money legally claimable by [2][the [3][State] Government] from any person on account of any land, or interest in or right exercisable over, land held by or vested in him, under whatever designation such sum may be payable ;

(*3*) the words "survey-boundary-mark" mean, primarily, any iron or other mark set up by the officers who conducted the Bombay City-Survey hereinafter described and include any such new mark that may hereafter be set up by the Collector or under his orders, according to the provisions of this Act.

[5][(*4*) "superior holder" means the person having the highest title under [2][the [3][State] Government] to any land in the City of Bombay ;]

[6][(*5*) "Additional Collector" means an Additional Collector appointed under section 5-A].

PART II.

The Collector of Bombay and his Subordinates.

Chief control in revenue matters.

4. The chief controlling authority in all matters connected with the land revenue is vested in the Collector of Bombay, subject to the [7][[3][State] Government].

Appointment and duties of the Collector of Bombay.

5. The Collector of Bombay shall be appointed by the [7][[3][State] Government] and shall exercise the powers and discharge the duties conferred and imposed on him by this Act, or by any other law for the time being in force, and, so far as is consistent therewith, all such other powers or duties as may from time to time be prescribed by the [7][[3][State] Government].

Appointment, powers and duties of Additional Collector.

[8][**5-A.** (*1*) The State Government may appoint an Additional Collector and such Additional Collector shall be competent to exercise such powers and discharge such duties conferred and imposed on the Collector by or under this Act or any other law for the time being in force as the State Government or the Collector under sub-section (*2*) or (*3*) may direct him to exercise or discharge.

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[1] The original clause (*1*) of s. 3 was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886). The present clause was inserted by the Bombay City Land-Revenue (Amendment) Act, 1900 (Bom. 3 of 1900), s. 1.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] These words were inserted by Bom. 3 of 1954, s. 2 (*1*).

[5] Clause (*4*) of s. 3 was substituted by the Bombay City Land-Revenue (Amendment) Act, 1900 (Bom. 3 of 1900), s. 1.

[6] This clause was added by Bom. 3 of 1954, s. 2 (*2*).

[7] The words "Provincial Government" were substituted for the words "Government in Council" by the Adaptation of Indian Laws Order in Council.

[8] Section 5-A was inserted by Bom. 3 of 1954, s. 3.

(*2*) When an Additional Collector is appointed under sub-section (*1*), the State Government may by general or special order direct that the additional Collector shall exercise such powers and discharge such duties under this Act or any other law for the time being in force, as are to be exercised or discharged by the Collector.

(*3*) The Collector may also, subject to such orders as the State Government may make under sub-section (*2*), make arrangements for the distribution of the work of the Collector between himself and the Additional Collector.]

His assistants and establishment how appointed;

6. The Collector shall have as many assistants and such other establishment subordinate to him as the [1][[2][State] Government] [3]* * * * may from time to time sanction, and their appointment shall be made in such manner as the [1][[3][State] Government] may direct.

Their duties,

The duties of the said assistants and other subordinates of the Collector shall be such as the Collector, subject to the orders of [4][the [2][State] Government] may from time to time prescribe.

and powers.

Subject to the previous sanction of [4][the [2][State] Government], the Collector may delegate any of his powers under this Act, or under any law which the [5][Legislature of the State] is able to repeal or alter, to any of his assistants or other subordinates and may at any time cancel such delegation.

Punishment for misconduct.

7. The Collector shall have power, subject to such rules as may from time to time be prescribed by [4][the [2][State] Government], to fine, reduce, suspend or dismiss any of his assistants or other subordinates.

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1 The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.
2 This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
3 The words " under the general control of the Governor General of India in Council " were omitted by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).
4 The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.
5 These words were substituted for the words " Provincial Legislature " by the Adaptation of Laws Order, 1950.

PART III.

ASSESSMENT AND COLLECTION OF LAND-REVENUE.

Collector to fix and levy land-revenue.

8. It shall be the duty of the Collector, subject to the orders of [1][the Provincial Government], to fix and to levy the assessment for land-revenue.

When there is no right on the part of the superior holder in limitation of the right of [1][the Provincial Government] to assess, the assessment shall be fixed at the discretion of the Collector subject to the control of [1][the Provincial Government].

When there is a right on the part of the superior holder in limitation of the right of [1][the Provincial Government], in consequence of a specific limit to assessment having been established and preserved, the assessment shall not exceed such specific limit.

Settlement of assessment with whom to be made.

9. The settlement of the assessment of each portion of land to the land-revenue shall be made with the superior holder of the same.

If the said superior holder be absent and have left no known authorized agent in Bombay, or if there be a dispute as to who is entitled to be considered the superior holder of the land, the settlement may be made with the person actually in possession of the land; and any assessment so fixed shall be binding upon the rightful superior holder of the land.

Any payment made by the person in possession in accordance with the provisions of this Act shall be deemed to have been made on behalf of the superior holder.

[2][In any case wherein the superior holder or the person in possession cannot be readily ascertained, the Collector shall give notice calling on all persons claiming the right of a superior holder in or over the said land, or a right to the possession thereof, to intimate such claim to the Collector at the Collector's office.]

[3][If no person asserts such right by intimation to the Collector at the Collector's office within twenty-one days from the date of such notice, the Collector may assess such land at his discretion, and the superior holder and every person then or thereafter in possession of the land shall be liable accordingly.]

Liability for land-revenue.

10. The superior holder of land, or, in his absence, the person actually in possession, shall be liable in person and property for the land-revenue due upon the holding.

[3][Arrears of land-revenue due on account of land shall, on failure by the persons interested therein to pay the same within the date specified in that behalf in a notice demanding payment posted on or near the land, be a paramount charge on the land and on every part threof.]

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] This paragraph was added by s. 2 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).

[3] This paragraph was added, *ibid.*

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Claims of Provincial Government to have precedence.

11. The claim of [1][the Provincial Government] to any moneys recoverable under the provisions of this Act shall have precedence over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment, decree, execution, attachment or otherwise howsoever, against any land, or the superior holder thereof.

Collector to direct to whom and when and where revenue to be paid.

12. Subject to such orders as may be passed by the [2][Provincial Government], the Collector shall from time to time give orders and make known the same by notice, to be served on all superior holders of land paying revenue, or in their absence persons in possession, regulating the persons, places and times to whom and within which the revenue payable in respect of any land shall be paid :

[3][Provided that where the assessment leviable in any case under the provisions of this Act does not exceed one rupee *per annum*, it shall be lawful for the Collector, subject to the orders of [1][the Provincial Government] to levy, in lieu of such assessment, a single lump sum of such amount as the Collector, subject as aforesaid, deems to be a fair equivalent of the assessment but not in any case exceeding thirty times the assessment.]

Notice of demand may be served after arrears due.

13. [4][If any land-revenue is not paid, at, or within, the time when it becomes payable the Collector may, on or after the day following that on which the arrears accrue due, cause a notice of demand to be served on the superior holder or on the person in possession, or on both.

Fees chargeable in respect of notice of demand.

Every person to whom any such notice is issued shall be chargeable in respect thereof with a fee not exceeding two rupees calculated according to the rates specified on this behalf in the table in Schedule A :

Provided that in no case shall the fee chargeable for any notice exceed the amount of the land-revenue in respect of which the said notice is issued.]

On default of payment, defaulter's property may be attached and sold.

If the superior holder or person in possession, as the case may be, shall, for the space of twenty days after service of written notice of demand of payment, fail to discharge the revenue due, it shall be lawful for the Collector to levy the same by attachment and sale [5][of such portion of the land on which the revenue is due or of such portion of any other property, moveable or immovable, of the defaulter, as may be required to satisfy the demand.]

Sales how held.

Such sales shall be by public auction, and shall not take place until at least fifteen days after notice thereof shall have been published in the [6][Official Gazette].

Defaulters may be arrested and confined.

If the sale of the defaulter's property shall not produce satisfaction of the demand, it shall be lawful for the Collector to cause him to be apprehended and confined in the civil jail under the rules in force at the Presidency for the confinement of debtors, for which purpose a certificate of demand under the Collector's signature sent with the defaulter shall be the sheriff's sufficient warrant, equally with the usual legal, process in ordinary cases of arrest in execution of judgment for debt :

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[3] This proviso was added by s. 2 and first schedule of the Bombay Repealing and Amending Act, 1910 (Bom. I of 1910).

[4] These paragraphs of s. 13 and the proviso were substituted for the first seventeen words of s. 13, namely, "If any land-revenue is not paid at, or within the time when it becomes payable and" by s. 4 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900.)

[5] This portion was substituted for the original portion by Bom 49 of 1947, s. 2.

[6] The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

[1][Provided that such imprisonment shall cease at any time upon payment of the sum due and that it shall in no case exceed—

(*i*) a period of six months when the sum due is more than fifty rupees ; and

(*ii*) a period of six weeks in any other case.

[2][13A. (*1*) Notwithstanding anything contained in section 13, where any immovable property has been sold under section 13, any person either owning such property or holding an interest therein by virtue of a title acquired before such sale may within thirty days of such sale apply to the Collector to have the sale set aside, on his depositing with the Collector the amount of the revenue due together with the costs of attachment and sale of such property less any amount which may since the date of attachment of such property have been received by the Collector from the defaulter. Application to set aside sale on deposit.

(*2*) Where such an application is allowed, the Collector shall make an order setting aside the sale :

Provided that no such order shall be made unless notice of the application has been given to all persons affected thereby.

(*3*) Where the sale of any immovable property is set aside under sub-section (*2*) the purchaser shall be entitled to repayment of his purchase money with interest.]

V of 1908. [3][13B. (*1*) All such property as is by the Code of Civil Procedure, 1908, exempted from attachment and sale in execution of a decree, shall also be exempt from attachment and sale under section 13. Exemption from attachment Sale.

(*2*) The Collector's decision as to what property is so entitled to exemption shall be conclusive.]

[4][14. The Collector's decision upon any question arising out of the provisions of sections 8 to 13 shall, subject to the provisions of section 17, be binding upon all persons whom it may concern, and shall be acted upon accordingly ; but the Collector's decision shall be stayed on any such person giving security to the satisfaction of the Collector that he will, within thirty days from the date when such decision was made known to him, make an appeal before the Bombay Revenue Tribunal for the purpose of contesting the legality of the Collector's decision and will fulfil the order that may be passed against him, and will pay all costs and interest which may be so ordered or that, if he fails to file an appeal as above specified, he will, when required, pay the amount demanded. Collector's decision to be acted in first instance but may be stayed on security being furnished.

15. All compulsory process against a defaulter shall cease on his paying or tendering the amount demanded of him under protest to the officer executing such process or on his filing an appeal before the Bombay Revenue Tribunal to contest the legality of the demand and furnishing security satisfactory to the Collector or the Bombay Revenue Tribunal that he will pending the decision of the said appeal neither quit the jurisdiction nor remove nor transfer his property therein, without providing to the satisfaction of the Collector or of the Bombay Revenue Tribunal for the execution of the order passed in appeal.] Compulsory process to cease on payment under protest and on filing an appeal and furnishing security.

16. Fees shall be payable according to the table in the Schedule A [5]* * * on all warrants issued under the provisions of section 13 [5]* * * or the attachment and sale of the property of defaulters by the person in respect of whose property such warrants are issued, and an additional fee of four annas per diem shall be paid in like manner in respect of each peon employed, whenever the property distrained is placed in charge of any peon or peons. Fees in respect of warrant for attachment and sale of defaulter's property. Additional fee.

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1 This proviso was substituted for the original by Bom. 47 of 1954, s. 2.
2 Section 13A was inserted by Bom. 49 of 1947, s. 3.
3 Section 13B was inserted by Bom. 11 of 1952, s. 2.
4 Sections 14 and 15 were substituted for the original by Bom. 27 of 1954, s. 2.
5 The words " hereunto annexed " and " of this Act " were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

[1][PART IV.

THE BOMBAY REVENUE TRIBUNAL.

Appeals before Bombay Revenue Tribunal.

17. (*1*) An appeal shall lie from any decision or order passed by the Collector or any of his assistants or other subordinates exercising the powers of the Collector under this Act to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939. Bom. XII of 1939.

(*2*) Every such appeal before the Bombay Revenue Tribunal shall be filed within a period of thirty days from the date when the decision of the Collector or his assistant or other subordinate was made known to the appellant. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. IX of 1908.

(*3*) In deciding an appeal under sub-section (*1*), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908. V of 1908.

(*4*) The order of the Bombay Revenue Tribunal in any such appeal shall, if it be against the Collector be fulfilled by the Collector. If it be against the appellant it may be enforced by the Collector under section 13 as an established revenue demand.

Court-fees.

18. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal before the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed by rules made under this Act.] VII of 1870.

PART V.

THE BOMBAY CITY-SURVEY AND BOUNDARY-MARKS.

Bombay City-survey recognized.

19. [2][The latest survey completed under the authority of [3][the [4][State] Government]] shall be called "the Bombay City-survey"; and the demarcation of lands then made, and all the records of the said survey shall be taken as *prima facie* evidence for all proceedings under and for all the purposes of this Act;

Provided that the Collector may, on the application of the parties interested in such lands, and shall, in pursuance of a decree or order of a competent Court, cause any alteration or correction to be made of any such demarcation of lands, or of any entry in any such record.

Responsibility for maintenance and repair of boundary-marks.

20. Every superior holder of land shall be responsible for the maintenance and good repair of the survey-bundary-marks of his holding and for any expenses, not exceeding five rupees for each mark, reasonably incurred on account of the same by the Collector in cases of alteration or removal.

Collector or subordinates may enter upon lands.

21. It shall be lawful for the Collector or for any of his assistants or other subordinates in that behalf duly authorised by writing under the hand of the said Collector to enter upon any lands for the purpose of inspecting the survey-boundary-marks erected thereon, or of altering, renewing or repairing such marks.

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[1] Part IV was substituted for the original by Bom. 27 of 1954, s. 3.

[2] These words were substituted for the words and figures "The survey made under the authority of Government during the years 1865 to 1872" by s. 16 of the Bombay City Survey Act, 1915 (Bom. 4 of 1915).

[3] The words "the Provincial Government" were substituted for the word "Government" by the adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Collector may require superior holders to renew or repair survey marks. Requisition how made.

22. In the event of any survey-boundary-mark being destroyed, defaced, injured or removed, it shall be lawful for the Collector to cause to be served on the superior holder, or in his absence the person in possession of any land of which such mark designates the boundary, a requisition in writing signed by the said Collector, calling on such superior holder or person in possession to renew or repair the said mark, at his own expense, within fifteen days from the date of the service of such requisition.

On default, Collector or assistants may enter and renew or repair. Charge for renewal or repair.

23. If the said survey-boundary-mark be not renewed or repaired, within the said period, to the Collector's satisfaction, it shall be lawful for the Collector or any of his assistants or other subordinates, or other person duly authorized as hereinbefore mentioned, to enter upon any land to which the said mark appertains, and to renew or repair it ; and for each such mark so renewed or repaired, it shall be lawful for the Collector to charge each superior holder or person in possession, the boundary of whose land is designated by any such mark, such sum, not exceeding rupees ten in the whole, as he may deem fit.

PART VI.

[1][Government] Lands and Foreshore.

Right of the [1][Government] to lands and foreshore.

24. All unoccupied lands within the City of Bombay, and every unoccupied portion of the foreshore below high-water mark, shall be deemed, and are hereby declared to be, the property of [2][the State Government], subject always to the rights of way and all other rights of the public legally subsisting.

Such lands and foreshore how disposed of.

25. It shall be lawful for the Collector, with the sanction of [3][the [4][State] Government], to dispose of any [5][lands or foreshore vested in [2][the State Government], in such manner and subject to such conditions as he may deem fit [6][and in any such case, the land or foreshore so disposed of shall be held only in the manner, for the period and subject to the conditions so prescribed.]

PART VII.

Encroachments.

Power to abate encroachments on land or foreshore vested in the [1][Government] or to prohibit or require abatement of

26. In the event of any encroachment being made after the passing of this Act on any [5][lands or foreshore vested in [2][the State Government], it shall be lawful for the Collector or his assistants, or other subordinates, duly authorized in this behalf by writing under his hand, to summarily abate or remove any such encroachment ; [7][and the expense incurred therefor shall be leviable from the person in occupation of the land encroached upon.]

[7][The Collector or such subordinate may, by notice posted up on or near any such land and published in the [8][Official Gazette], and in such local newspapers as

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[1] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
[2] These words were substituted for the words "the Crown for the purposes of the Province", *ibid.*
[3] The words "the Provincial Government" were substituted for the word "Government", by the Adaptation of Indian Laws Order in Council.
[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[5] The words "lands or foreshore vested in the Crown for the purposes of the Province" were substituted for the words "Government lands or foreshore" by the Adaptation of Indian Laws Order in Council.
[6] This portion was added by Bom. 9 of 1949, s. 2.
[7] These paragraphs were added by s. 5 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 8 of 1900).
[8] The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

such encroachments under penalty of fine;

he deems fit, prohibit or require the abatement or removal of encroachments thereon, and shall fix in such notice a date, which shall be a reasonable time after such notice, on which the same shall take effect.]

[1][Every person who makes, causes, permits or continues any encroachment on any land referred to in a notice so posted, shall be liable at the discretion of the Collector to a fine not exceeding twenty-five rupees for every day during any portion of which the encroachment continues after the date fixed for the notice to take effect.]

or to charge for and assess land; and then enter it in name of encroacher.

But it shall be competent to the Collector, with the previous sanction of [2][the [3][State] Government], and if the person making the encroachment so desire, to charge the said person a sum not exceeding five times the value of the land so encroached upon and to fix an assessment not exceeding five times the ordinary annual land-revenue thereupon, and then to cause the said land to be entered in his records in the name of the said person.

[4][The person who made such encroachment or who is in occupation of the land so encroached upon shall in any case also be liable to pay assessment at a rate not exceeding five times the ordinary annual land-revenue on the said land from the date when the encroachment was made, occupation of the land for a portion of a year being counted as for a whole year.]

Value and land-revenue how calculated.

27. For the purposes of the preceding section, the value of land that has been encroached upon shall be fixed by the Collector according to the market value of similar land in the same neighbourhood at the time of such valuation.

And the annual revenue of any such land shall be assessed at the same rate as the land-revenue of similar land in the vicinity.

Encroachments made before passing of Act how dealt with.

28. In the case of any encroachment made within twenty years before the passing of this Act, the Collector may, with the sanction of [2][the [3][State] Government], charge the person who made such encroachment, or who is in occupation of the land so encroached upon, a sum not exceeding double the value of the said land, and fix an assessment not exceeding double the ordinary annual land-revenue thereon, and recover arrears of land-revenue at the same rate from the date when the encroachment was made.

Encroachments before passing of Act defined.

29. For the purposes of the last preceding section, the amount by which any holding shall have been shown by the Bombay City-survey to exceed the area of such holding as entered in the Collector's previous records shall *prima facie* be held to be an encroachment.

Value and land-revenue payable in respect thereof how calculated.

And the value and land-revenue payable in respect of the same shall be calculated according to the market value of similar land in the neighbourhood, and the land-revenue chargeable in respect of the excess shall be calculated at the same rate at which the rest of the holding has been assessed.

In case there has been no such holding the assessment shall be made at such rate as the Collector, with the sanction of [2][the [3][State] Government], may fix.

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[1] This paragraph was added by s. 5 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] These words were added by s. 2 and First Schedule of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

Summary eviction of person unauthorizedly occupying etc., land or foreshore vested in the [4][Government].

[1][**29A.** (*1*) If in the opinion of the Collector any person is unauthorizedly occupying or wrongfully in possession of, any land or foreshore vesting in [2][the State Government] or is not entitled or has ceased to be entitled, to continue the use, occupation or possession of any such land or foreshore by reason of the expiry of the period of lease or tenancy or termination of the lease or tenancy or breach of any of the conditions annexed to the tenure, it shall be lawful for the Collector with the previous sanction of the [3][State] Government to summarily evict such person in the manner provided in sub-section (*2*).

(*2*) The Collector shall serve a notice on such person requiring him within such time as may appear reasonable after receipt of the said notice to vacate the land or foreshore, as the case may be, and if such notice is not obeyed the Collector may remove or depute a subordinate to remove him from such land or foreshore.]

Forfeiture and removal of property left over after summary eviction.

[1][**29B.** (*1*) After summary eviction of any person under section 29A, any building or other construction erected on the land or foreshore or any crop raised in the land shall, if not removed by such person after such written notice as the Collector may deem reasonable, be liable to forfeiture or to summary removal.

(*2*) Forfeitures under this section shall be adjudged by the Collector and any property so forfeited shall be disposed of as the Collector may direct and the cost of the removal of any property under this section shall be recoverable as an arrear of land revenue.]

Penalty for resisting or obstructing any officer removing any person or property.

[1][**29C.** If the officer removing any person or property under section 29A or 29B, as the case may be, shall be resisted or obstructed by any person, the Collector shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause and that such resistance or obstruction still continues, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for punishment of such resistance or obstruction, issue a warrant for the arrest of the said person, and on his appearance send him with a warrant, in the form of Schedule A-A, for imprisonment in the civil jail for such period not exceeding thirty days, as may be necessary to prevent the contin ance of such obstruction or resistance.]

PART VIII.

TRANSFER OF LANDS, ETC.

Notice of transfer of title to lands, etc. to be given to Collector.

30. Whenever the title to any land, house or other immovable property, subject to the payment of land-revenue to [5][the [3][State] Government], shall be transferred or assigned, the person transferring or assigning the same, and the person to whom the same shall be transferred or assigned, shall respectively cause notice of such transfer or assignment to be given to the Collector.

Notice when to be given.

Such notice shall be given within twenty days after execution of the instrument of transfer or assignment, or after its registration, if it be registered, or after the transfer or assignment is effected, if no instrument is executed.

Transferee by death to give notice within one year.

In the event of the death of any person in whose name the title to any property is entered in the Collector's records, the person to whom such title shall be transferred as heir or otherwise shall cause notice thereof to be given to the Collector within one year from such death.

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[1] Sections 29A, 29B and 29C were inserted by Bom. 9 of 1949, s. 3.
[2] These words were substituted for the words " the Crown for the purposes of the Province " by the Adaptation of Laws Order, 1950.
[3] This word was substituted for the word " Provincial ", *ibid.*
[4] This word was substituted for the word " Crown ", *ibid.*
[5] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

Form of notice.

31. The notice shall be in the form either of Schedule B or Schedule C [1]* * * * * as the case may be, and shall state clearly all the particulars required by the said form.

Accompaniments.

It shall be accompanied, whenever the Collector shall deem fit so to require, by the instrument of transfer if any, [2][by a plan to be furnished of the land which is the subject of the transfer or assignment, drawn and attested by [3][such officer as the Collector may direct] and by a certificate that public notice has been given of the transfer or assignment by beat of bataki.

Penalty for neglect to give notice.

32. Every person neglecting to give the notice required by the two last preceding sections within the time therein specified, shall be liable at the discretion of the Collector to a fine not exceeding ten rupees in case of holdings paying less than one rupee as land-revenue, and in no other case exceeding rupees one hundred.

Person transferring title and omitting to give notice to continue liable for revenue.

33. Every person transferring the title to any land, house, or other immovable property subject to the payment of land-revenue to [4][the [5][State] Government], without giving the notice required by sections 30 and 31, [6]* * * shall continue liable to [4][the [5][State] Government] for the payment of all land-revenue accruing due in respect thereof, until he shall have given such notice or until the requisite transfer shall have been effected in the Collector's records.

But nothing contained in this section shall be held to diminish the liability of the land, house or other immoveable property to attachment or sale under the provisions of section 13 [6]* * *.

Proceeding in case of dispute as to entry or transfer.

34. Whenever any dispute or question shall arise with respect to the making or completion of any entry or transfer in the records of the Collector, of or relating to any land, house or other immovable property subject to the payment of land-revenue to [4][the [5][State] Government], the Collector shall summon all the parties interested in such entry or transfer, and shall call for such evidence, and examine such witnesses, as he shall consider necessary, and shall thereupon decide summarily what entry shall be made in his records in respect of such land, house, or other immovable property.

If at any time a certified copy shall be produced to the Collector of an order of a competent Court determining the title to any such land, house or other immovable property, the Collector shall amend his records in conformity with such order.

Registration or transfer not to affect right of the [9][Government].

35. The registration or transfer of any title in the Collector's records shall not be deemed to operate so as in any way to affect any right, title or interest of [7][the [8][Government] in the land, house or other immovable property in respect of which any such transfer is made or registered.

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[1] The words "annexed to this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904.)

[2] These words were inserted by s. 6 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).

[3] These words were substituted for the words "a person of professional competence in that respect recognized by the Collector" by s. 17 of the Bombay City Survey Act, 1915 (Bom. 4 of 1915).

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[6] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[7] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[8] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

PART IX.

PROCEDURE.

Law applied to summonses, etc.

36. The provisions of the Civil Procedure Code in force for the time being with respect to the issue of summonses and commissions, and the compelling the attendance of witnesses, and for their remuneration, in suits before a District Court, shall apply to all persons summoned to appear before the Collector under the provisions of this Act.

Notices how to be served.

[1][Any notice which the Collector or any of his subordinates is by this Act required or empowered to issue shall be deemed to have been sufficiently served,

(*a*) if it is addressed to any person and has been

(*i*) delivered to such person, or

(*ii*) delivered at his abode and in his absence to any adult male member or servant of his family, or

(*iii*) sent by post in a letter addressed to him at his last known residence, address or place of business and registered under Chapter VI of the [2]Indian Post Office Act, 1898, or

VI of 1898.

(*b*) if the Collector is in doubt as to the person to whom such notice should be addressed or as to the residence, address or place of business of any person on whom it is desired to serve such notice, and

(*i*) causes the notice to be posted in some conspicuous place on or near the land to which it relates, and

(*ii*) publishes the notice either in the [3][Official Gazette] or in such local newspapers as he deems fit or by proclamation on or near such land accompanied with beat of drum.]

PART X.

LEVY OF HOUSE-RENT, FEES, PENALTIES, ETC.

Dues leviable as revenue-demands.

37. [4][(*1*)] All arrears of rent payable by any person in respect of the occupation of any house the property of [5][the [6][Government]], and all fees, fines and penalties chargeable under this Act, and all moneys leviable under the provisions of this Act on account of the value of any land, or on account of the alteration, removal, renewal or repair of survey-boundary-marks, [7][or on account of the abatement or removal of an encroachment], shall be realised in the same manner as other revenue-demands, under the provisions of section 13 of this Act.

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[1] This paragraph was added by s. 7 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).

[2] Central Acts.

[3] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[4] This section was renumbered as sub section ( ) of that section by Bom. 47 of 1954, s. 3.

[5] The words "the Crown" were substituted for the word "Government" by the Adaptation of Laws order in Council.

[6] This word, was substitued for word "Crown" by the Adaptation of Laws Order, 1950.

[7] These words were inserted by s. 8 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).

[1][(2) All other sums declared by any Act or Regulation or by any rules thereunder or by any agreement or contract with the State Government to be leviable as an assessment or as a revenue demand, or as an arrear of land revenue, shall also be realised in the same manner as revenue demands under the provisions of section 13 of this Act.

(3) All persons who may have become sureties for the payment of any sum of money payable under any of the provisions of this Act or for any such contractor as aforesaid shall, on failure to pay the amount or any portion thereof for which they may have become liable under the terms of their security-bond, be liable to be proceeded against under the provisions of section 13 as revenue defaulters and the provisions of section 13 shall, so far as may be, be applicable to such persons.]

Power to Collector of Bombay to assist other Collectors in realization of dues.

38. It shall be lawful for the Collector of Bombay to levy, in the same way as any arrear of land-revenue due under this Act, any sum certified by the Collector or Assistant or Deputy Collector of any district or collectorate in the Presidency of Bombay to be due and recoverable as an arrear of land-revenue, from any person residing or owning property in the City of Bombay, by whom the same is so certified to be due.

PART XI.

MISCELLANEOUS.

Collector to keep registers and rent-rolls.

39. It shall be the duty of the Collector to prepare and keep in such form as [2][the [3][State] Government] may from time to time sanction a separate register and rent-roll of every description of land according to the nature and terms of the tenure on which such land is held.

Maps, land-registers and records where to be kept to be open to inspection.

Extracts and copies to be given.

40. Subject to such rules and the payment of such fees as the [4][[3][State] Government] may from time to time prescribe in this behalf, all maps and land registers, and other records of the Bombay City-survey, and all records concerning the land or the land-revenue, shall be kept in the Collector's office, and shall be open to the inspection of the public at reasonable hours; and certified extracts from such maps, registers and records, or certified copies thereof, shall be given to all persons applying for the same.

Power to frame and vary rules for guidance of Collector, etc., and for matters not provided for.

41. It shall be lawful for the [4][[3][State] Government] from time to time to frame, and from time to time to vary or repeal, rules not inconsistent with the provisions of this Act for the guidance of the Collector, and his assistants and other subordinates in the discharge of their duties, or for any other purpose connected with the subject-matter of this Act, not expressly provided for therein.

Any of such rules as the [4][[3][State] Government] may deem fit may be published, and when published shall, until cancelled or amended by the [4][[3][State] Government] have the force of law.

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[1] These sub-sections were inserted by Bom. 47 of 1954, s. 3.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the Adaption of Laws Order, 1950.

[4] The words "Provincial Government" were substituted for the words "Governor in Council", by the Adaptation of Indian Laws Order in Council.

SCHEDULE A.

Table of Fees payable under the provisions of section 16 of this Act.

Sum distrained for—	Fee.
	Rs. a.
Not exceeding Rs. 5	0 8
Over Rs. 5 and not exceeding Rs. 10	1 0
„ 10 „ „ „ 15	1 8
„ 15 „ „ „ 20	2 0
„ 20 „ „ „ 25	2 8
„ 25 „ „ „ 30	3 0
„ 30 „ „ „ 35	3 8
„ 35 „ „ „ 40	4 0
„ 40 „ „ „ 45	4 8
„ 45 „ „ „ 50	5 0
„ 50 „ „ „ 60	6 0
„ 60 „ „ „ 80	7 8
„ 80 „ „ „ 100	9 0
Upwards of Rs. 100	10 0

[1]*Table of Rates of Fees payable under the provisions of section 13 in respect of notices demanding payment of arrears of revenue.*

Revenue due.	Notice Fee.
	Rs. a.
Not exceeding Rs. 25	0 8
Over Rs. 25 and not exceeding Rs. 100	1 0
„ Rs. 100	2 0

[2]SCHEDULE A-A.

Form of warrant to be issued by the Collector under section 29C.

Seal.

To

The Officer in charge of the
Civil Jail at.....,
Bombay.

WHEREAS A.B. of.....has resisted (or obstructed) C.D. in removing E.F. (or himself, that is, the said A.B. or the property, to be described) from the land (or foreshore) situated at..... .....and whereas it is necessary, in order to prevent the continuance of such resistance (or obstruction), to commit the said A.B. to close custody; You are hereby required under the provisions of section 29C of the Bombay City Land Revenue Act, 1876 (Bom. II of 1876), to receive the said A.B. into the Jail under your charge and there to keep him in safe custody for days.

Dated this day of 194

(Signature of the Collector.)

[1] This table was added by s. 9 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).

[2] This Schedule was inserted by Bom. 9 of 1949, s. 4.

SCHEDULE B.

Form of Notice of Transfer to be given under section 30 of this Act, when the Transfer has taken place otherwise than by Instrument.

To

THE COLLECTOR OF BOMBAY.

I, *A. B.*, hereby give notice, as required by section 30 of the Bombay City Land-revenue Act, of the following transfer of property :—

Date of Notice.	Name in which the property is at present entered in the Collector's records.	To whose name it is to be transferred.	Description of the Property.						Remarks.
			Of what it consists.	Situation.	Collector's No.	Bombay City Survey No.	Dimensions of land	Boundaries.	

(Signed) *A.B.*

SCHEDULE C.

Form of Notice of Transfer to be given under section 30 of this Act, when the Transfer has been effected by Instrument.

To

THE COLLECTOR OF BOMBAY.

I, *A. B.*, hereby give notice, as required by section 30 of the Bombay City Land-revenue Act, of the following transfer of property :—

Date of Notice.	Date of instrument.	Name of vendor or assignor.	Name of purchaser or assignee.	Amount of consideration.	Description of the Property.						If instrument has been registered, the date of registration.	Remarks
					Of what it consists.	Situation.	Collector's No.	Bombay City Survey No.	Dimensions of land.	Boundaries		

(Signed) *A.B.*